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October 12, 2022

VIA ECF

The Honorable John G. Koeltl
United States District Judge
Daniel Patrick Moynihan Courthouse
500 Pearl St., Courtroom 14A
New York, NY 10007

Re: *Roche Freedman LLP v. Jason Cyrulnik*, No. 1:21-cv-1746 (JGK)(SN)

Dear Judge Koeltl:

I write to bring to your attention the recent decision issued by Florida's Third District Court of Appeal in *Bodoyan v. Samra*, No. 3D21-821 (Sept. 30, 2022), which directly supports the interpretation of Florida's RUPA advanced in the individual Counterclaim-Defendants' motions to dismiss. (Dckt. Nos. 102–110, 126, 128–129, 171, 174.) The Slip Opinion is attached hereto as Exhibit A.

Like Cyrulnik, the plaintiff in *Bodoyan* was a partner who had dissociated from a partnership, who pursued a claim for a buyout under Fla. Stat. §§ 620.8405(2)(b)(2) & 620.8701, and who asserted that claim against his partner in his personal capacity in an effort to collect personal assets. Affirming the ruling of the trial court following a bench trial, the appellate court concluded that "RUPA required [plaintiff], upon dissociation, to bring a buyout claim against the partnership, not against [defendant] personally." Slip Op. at 12 (citing Fla. Stat. § 620.8701). This reasoning applies equally to Cyrulnik's buyout claim, which should be dismissed as against the individual Counterclaim-Defendants.

Thank you for your consideration.

Respectfully,



Sean Hecker

cc: Counsel of Record (via ECF)